MONTANA LEGISLATIVE HISTORY

Chapter 592 19 85

Bill H 968 S _____ Original bill & history ✓ C

H. Committee on Natural Resources			S. Committee on Local Government		
Hearing Date(s)	Feb 23	✓ C	Hearing Date(s)	Mar 21	✓ C
		C			C
		C			C
		C			C
Date Out	Feb 23	✓ C		Mar 21	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

RETURNED TO HOUSE
5/01 SIGNED BY SPEAKER
5/01 SIGNED BY PRESIDENT

5/02 TRANSMITTED TO GOVERNOR
5/10 SIGNED BY GOVERNOR
CHAPTER NUMBER 711 EFFECTIVE DATE: 7/01/85
SECTIONS 7 AND 12 EFFECTIVE 5/10/85

HB 767 INTRODUCED BY WALDRON
STATE FUNDING FOR DISTRICT COURT EXPENSES

2/11 INTRODUCED
2/11 REFERRED TO JUDICIARY
2/13 FISCAL NOTE REQUESTED
2/20 HEARING
2/25 FISCAL NOTE RECEIVED
DIED IN COMMITTEE

HB 768 INTRODUCED BY BRADLEY, MARKS, ET AL.
EXEMPT CERTAIN CONDOMINIUMS FROM SUBDIVISION REVIEW

2/11 INTRODUCED
2/11 REFERRED TO LOCAL GOVERNMENT
2/11 FISCAL NOTE REQUESTED
2/13 REREFERRED TO NATURAL RESOURCES
2/16 FISCAL NOTE RECEIVED
2/23 HEARING
2/25 COMMITTEE REPORT-BILL PASS AS AMENDED
2/26 2ND READING PASS 96 0
2/27 3RD READING PASS 94 6

TRANSMITTED TO SENATE
3/05 REFERRED TO LOCAL GOVERNMENT
3/21 HEARING
3/21 COMMITTEE REPORT-BILL CONCURRED
3/23 2ND READING CONCURRED AS AMENDED 49 0
3/26 3RD READING CONCURRED 50 0

RETURNED TO HOUSE WITH AMENDMENTS
4/09 2ND READING AMENDMENTS CONCURRED 97 0
4/09 ON MOTION RULES SUSPENDED
PLACED ON 3RD READING THIS DAY
4/09 3RD READING AMENDMENTS CONCURRED 96 0
4/16 SIGNED BY SPEAKER
4/16 SIGNED BY PRESIDENT

4/18 TRANSMITTED TO GOVERNOR
4/22 SIGNED BY GOVERNOR
CHAPTER NUMBER 592 EFFECTIVE DATE: 10/01/85

HB 769 INTRODUCED BY HOLLIDAY, HALLIGAN, GAGE
TO REVISE STRIP MINE BOND RELEASE PROCEDURES

2/11 INTRODUCED
2/11 REFERRED TO NATURAL RESOURCES
2/15 HEARING
2/16 COMMITTEE REPORT-BILL DO PASS
2/18 2ND READING PASS 98 0
2/20 3RD READING PASS 99 1

HOUSE BILL NO. 768

INTRODUCED BY Bradley Hinkle Mills Ribelmm

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING APARTMENTS AND OTHER PORTIONS OF BUILDINGS THAT ARE RENTED OR LEASED FROM REVIEW AS SUBDIVISIONS; EXEMPTING SUBDIVISIONS, INCLUDING CONDOMINIUMS, THAT WILL BE SERVED BY MUNICIPAL WATER AND SEWAGE FACILITIES IN CLASS 1 AND CLASS 2 MUNICIPALITIES FROM DEPARTMENT REVIEW; AMENDING SECTIONS 76-4-103, 76-4-105, 76-4-122 THROUGH 76-4-124, AND 76-4-127, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-4-103, MCA, is amended to read:

"76-4-103. What constitutes subdivision. A subdivision shall comprise only those parcels of less than 20 acres which have been created by a division of land, and the plat thereof shall show all such parcels, whether contiguous or not. The rental or lease of one or more parts of a building, structure, or other improvement, whether existing or newly constructed, is not a subdivision, as that term is defined in this part, and is not subject to the requirements of this part."

Section 2. Section 76-4-105, MCA, is amended to read:

"76-4-105. Lot fees. (1) The department shall adopt reasonable rules setting forth fees, not to exceed $48 per parcel, for services rendered in the review of plats and subdivisions. The rules shall provide for a schedule of fees to be paid by the applicant for plat or subdivision review to the department for deposit in the state special revenue fund provided for in 17-2-102. The fees shall be used for review of plats and subdivisions based on the complexity of the subdivision, including but not limited to:

(a) number of lots in the subdivision;

(b) the type of water system to serve the development;

(c) the type of sewage disposal to serve the development; and

(d) the degree of environmental research necessary to supplement the review procedure.

(2) The department shall adopt rules to determine the distribution of lot fees between the local governing body and the department as provided in 76-4-128. When a subdivision is reviewed under the ~~master plan~~ provisions of 76-4-124, the local governing body shall, within 20 days after receiving an application under the Montana Subdivision and Platting Act, distribute the lot fees as determined by this subsection.

(3) A fee as described in this section is not required for the review of subdivisions in which divisions are made for the purpose of relocating common boundary lines unless

the division will result in the installation of additional water supply or sewage disposal facilities."

Section 3. Section 76-4-122, MCA, is amended to read:

"76-4-122. Filing or recording of noncomplying map or plat prohibited. (1) The county clerk and recorder shall not file or record any map or plat showing a subdivision unless it complies with the provisions of this part.

(2) A county clerk and recorder may not accept a subdivision plat for filing until one of the following conditions has been met:

(a) the person wishing to file the plat has obtained approval of the local health officer having jurisdiction and has filed the approval with the department, and the department has indicated by stamp or certificate that it has approved the plat and plans and specifications and that the subdivision is subject to no sanitary restriction whenever department approval is necessary; or

(b) whenever department approval is not necessary, the person wishing to file the plat has obtained a certificate from the governing body that the subdivision is inside a master planning area or a class 1 or class 2 municipality and will be provided with municipal facilities for the supply of water and disposal of sewage and solid waste."

Section 4. Section 76-4-123, MCA, is amended to read:

"76-4-123. Department review and approval required

outside master planning areas and class 1 and class 2 municipalities. Outside master planning areas adopted pursuant to chapter 1 and class 1 and class 2 municipalities as provided in 76-4-124, a person may not file a subdivision plat with a county clerk and recorder, make disposition of a lot within a subdivision, erect any facility for the supply of water or disposal of sewage or solid waste, erect a building or shelter in a subdivision which requires facilities for the supply of water or disposal of sewage or solid waste, or occupy a permanent building in a subdivision until the department has indicated that the subdivision is subject to no sanitary restriction."

Section 5. Section 76-4-124, MCA, is amended to read:

"76-4-124. Type of review and approval required within master planning areas and class 1 and class 2 municipalities. (1) Within master planning areas adopted pursuant to chapter 1 or within a class 1 or class 2 municipality as defined in 7-1-4111, a subdivision, including a development of condominiums, is not subject to sanitary restrictions when the local governing body certifies that municipal facilities for the supply of water and disposal of sewage and solid waste will be provided for the subdivision as provided in 76-4-127. In this case, department approval is not necessary.

(2) To the extent that municipal facilities for the

supply of water or disposal of sewage or solid waste are not to be provided for a subdivision as certified to by the governing body, the person wishing to subdivide must obtain department approval as provided in 76-4-122(2)(a)."

Section 6. Section 76-4-127, MCA, is amended to read:

"76-4-127. Notice of certification to department that water and waste services will be provided by local government. (1) When a subdivision is reviewed under the ~~master plan~~ provisions of 76-4-124, the local governing body shall, within 20 days after receiving an application under the Montana Subdivision and Platting Act, send notice of certification to the department that a subdivision has been submitted for approval and that municipal facilities for the supply of water and disposal of sewage and solid waste will be provided for the subdivision.

(2) The notice of certification shall include the following:

(a) the name and address of the applicant;

(b) a copy of the preliminary plat or a final plat where a preliminary plat is not necessary;

(c) the number of proposed parcels in the subdivision;

(d) a copy of any applicable zoning ordinances in effect;

(e) how construction of the sewage disposal and water supply systems or extensions will be financed;

(f) a copy of the master plan, when applicable, if one has not yet been submitted to the department;

(g) the relative location of the subdivision to the city or town; and

(h) certification that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available or will be provided within 1 year after the notice of certification is issued."

NEW SECTION. Section 7. Extension of authority. Any existing authority of the department of health and environmental sciences to make rules on the subject of the provisions of this act is extended to the provisions of this act.

-End-

STATE OF MONTANA

F I S C A L N O T E

REQUEST NO. FNN399-85

Form BD-15

In compliance with a written request received February 11, 19 85 , there is hereby submitted a Fiscal Note for H.B. 768 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 768 exempts apartments and other portions of buildings that are rented or leased from review as subdivisions; exempts subdivisions, including condominiums, that will be served by minicipal water and sewage facilities in class 1 and class 2 municipalities from Department of Health review.

FISCAL IMPACT:

None

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 16, 1985

FN8:R/1

HB 768

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS-32

STATUS SHEET

49TH LEGISLATIVE SESSION

COMMITTEE ON NATURAL RESOURCES

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 633	2/2/85	2/8/85	2/8/85	2/8/85					
HB 637	2/2/85	2/20/85	2/20	2/20					
HB 638	2/2	2/20	2/20	2/20					
HB 670	2/5/85	2/20	2/20	2/20					
HB 676	2/5/85	2/11 2/22 2/23	2/23			2/23			
HB 680	2/5/85	2/18 2/20	2/20			2/20			
HB 695	2/6/85	2/11/85	2/11/85			2/11/85			
HB 698	2/7/85	2/15/85	2/15			2/15/85			
HB 711	2/7/85	2/20	2/20			2/20			
HB 750	2/11/85	2/20 2/22	2/22	2/22					
HB 755	2/11/85	2/15	2/15	2/15					
HB 766	2/11/85	2/20 2/22	2/22	2/22					
HB 768	2/14/85	2/23	2/23			2/23			
HB 769	2/11/85	2/15	2/15	2/15					
HB 784	2/11/85	2/15	2/15	2/15					
HB 786	2/11/85	2/20	2/20			2/20			

Use a separate sheet for Senate, House Bills, and Resolutions

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 23, 1985

The meeting of the House Natural Resources Committee was called to order by Chairman Dennis Iverson at 6:20 p.m. on February 23, 1985, in Room 312-2 of the State Capitol.

ROLL CALL: Representatives Driscoll, Harp and Moore were excused; all other members were present.

HOUSE BILL 312: Rep. Gerry Devlin, District 25, introduced HB 312, which he sponsored. He told the committee that HB 312 would take 37.5% of the federal monies received by the state for highway funds and send those funds, on a pro-rated basis, to specific counties. The amounts granted to counties would be based on the counties' contribution of extracted minerals.

Ted Fletcher, a Powder River County commissioner, spoke in support of HB 312. He said the county roads in his area are in very poor condition, which has an adverse impact on county residents, and on law enforcement. He said Powder River County suffers from heavy traffic by oil rigs coming up from Wyoming. He said that Powder River is a rural county, which lacks the tax base to provide a big budget for road maintenance. However, the county provides a good deal of revenue to the state because of mineral extraction, and deserves an earmarked contribution of mineral royalties for road maintenance.

Mr. Fletcher passed out an information sheet showing the payments made to various counties from mineral royalties. A copy of that sheet is attached as Exhibit 1.

Marie McAlear, a Madison County commissioner, testified in support of HB 312. She said that Madison County, through mineral extraction done on federal lands in the county, contributes a much larger amount to state highway funds than is spent on highway work within the county. She said that planned talc extraction in the county will require new roads, and that in order to provide those roads the county will have to levy a per capita tax of $79 annually. Rural counties bear the costs of mineral exploration and are not being granted a fair share of the royalties from such exploration, she said. HB 312 would be a step toward fairness for the counties which are providing mineral royalties.

Jerry Sorenson, from the Lake County planning office, said the definition of subdivision in HB 791 is a "tremendous improvement" over the current statutory definition, and said that HB 791 would result in a better process of review than now exists.

Terry Carmody, representing the Montana Association of Realtors, said he supported the intent of HB 791.

Robb McCracken of the Montana Department of Commerce said the 20-acre definition and exemptions have been a big problem for local governments, and endorsed the definition of subdivision stated in HB 791.

Jim Richard of the Montana Association of Planners said he supported HB 791, and added that he doubted the seriousness of the issue of cost of subdivision review. Proper review does not add much to the front end cost, he said, and the long-term savings far outweigh the costs of proper planning.

There were no opponents to HB 791.

Rep. Brandewie closed by saying that Montana subdivision laws have serious flaws, but HB 791 is a step forward toward solving those problems.

HOUSE BILL 768: HB 768 was introduced by the sponsor, Rep. Dorothy Bradley, District 79. She explained that the safe drinking water act and the sanitation and subdivision act occasionally overlap in some areas of subdivision review. HB 768 would eliminate that overlap by exempting apartments and other portions of buildings that are rented or leased from review as subdivisions, and exempting some subdivisions that will be served by municipal water and sewage facilities from department review.

Some rules covering condominiums indicate that those developments may have to go through review twice, and HB 768, with amendments suggested by Rep. Bradley, would avoid that double-bind. She said the bill would make the sanitation and review process, which is unduly complicated, easier to comply with.

Terry Carmody told the committee that the Montana Association of Realtors supports HB 768.

Jim Richard rose in support of HB 768 for the Montana Association of Planners.

Gerald Ditto told the committee that Montana's professional surveyors support the bill.

William Spilker told the committee that as a real estate broker, he supports Hb 768.

Steve Pilcher, representing the state water quality bureau, said that agency supports HB 768 because it simplifies the subdivision process without frustrating the intent of regulation.

There were no opponents to the bill, and no questions from committee. Rep. Bradley closed by urging a do pass vote.

EXECUTIVE ACTION:

HOUSE BILL 768: Rep. Addy moved DO PASS on HB 768. Rep. Asay moved the amendments provided by Rep. Bradley, which were unanimously approved. Rep. Addy's motion was approved, with Rep. Garcia voting against it.

HOUSE BILL 791: Rep. Kadas moved DO PASS on HB 791. Rep. Asay moved the amendments suggested by Terry Carmody. Rep. Miles suggested that the committee discuss the definitions of subdivision as provided in HB 791 and HB 827. Rep. Kadas withdrew his motion so that the committee could consider the definitions and act on both bills at a later date.

HOUSE BILL 891: Rep. Addy moved DO PASS. Rep. Addy moved that the bill be amended to insert "owner or" on page 9, line 13, following "the." That amendment was unanimously approved. Rep. Kadas moved to amend the bill by inserting on page 9, line 14, following "shall," the language "be notified by the seller by certified mail and shall". That amendment was approved unanimously. Rep. Addy moved to strike section 5 in its entirety, which was approved unanimously. Rep. Addy moved to strike "and persons in possession" on page 1, lines 19-20, which was approved unanimously.

Rep. Addy then made a substitute motion of DO PASS AS AMENDED, which passed unanimously.

HOUSE BILL 859: Rep. O'Hara moved DO PASS. Rep. O'Hara then moved the amendments proposed by the department of natural resources and conservation, which were unanimously approved. The committee then unanimously approved Rep. O'Hara's DO PASS AS AMENDED motion.

HOUSE BILL 312: Rep. Raney moved DO NOT PASS on HB 312. Rep. Krueger made a substitute motion to table the bill. Rep. Iverson explained that John Shontz, a major proponent of the bill, had indicated that there were problems with the measure, and that it should be held until after transmittal. The committee unanimously voted to table HB 312.

DAILY ROLL CALL

HOUSE NATURAL RESOURCES COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 23, 1985

NAME	PRESENT	ABSENT	EXCUSED
IVERSON, Dennis (Chairman)	X		
KADAS, Mike (Vice-Chairman)	X		
ADDY, Kelly	X		
ASAY, Tom	X		
COBB, John	X		
DRISCOLL, Jerry			X
GARCIA, Rodney	X		
GRADY, Edward	X		
HARP, John			X
JONES, Tom	X		
KRUEGER, Kurt	X		
MILES, Joan	X		
MOORE, Janet			X
O'HARA, Jesse	X		
PETERSON, Mary Lou	X		
RANEY, Bob	X		
REAM, Bob	X		
SMITH, Clyde	X		

STANDING COMMITTEE REPORT

February 23 19 85

MR. SPEAKER:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 768

FIRST reading copy (WHITE color)

AN ACT EXEMPTING APARTMENTS AND OTHER PORTIONS OF BUILDINGS

THAT ARE RENTED OR LEASED FROM REVIEW AS SUBDIVISIONS

Respectfully report as follows: That HOUSE Bill No. 768

BE AMENDED AS FOLLOWS:

1) Title, line 10.
Following: line 9
Insert: "76-4-102,"
Following: "76-4-105"
Insert: "76-4-111,"

(CONTINUED ON FOLLOWING PAGE)

~~XXXXXXX~~
~~DO PASS~~

DENNIS IVERSON, Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

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2) Page 1, ~~line 14~~.
Following: line 13.
Insert: "Section 1. Section 76-4-102, MCA, is amended to read:

"76-4-102. Definitions. As used in this part, unless the context clearly indicates otherwise, the following words or phrases have the following meanings:
(1) "Baard" means the board of health and environmental sciences.
(2) Department" means department of health and environmental sciences.
(3) "Extension of public sewage disposal system" means a sewer line that connects two or more sewer service lines to a sewer main.
(4) "Extension of public water supply system" means a water line that connects two or more water service lines to a water main.
~~(3)~~ (5) "Facilities means public or private facilities for the supply of water or disposal of sewage or solid waste and any pipes, conduits, or other stationary method by which water, sewage, or solid wastes might be transported or distributed.
~~(4)~~ (6) "Public water supply system" or "public sewage disposa system" means, respectively, a water supply or sewage disposal system that serves 10 or more families or 25 or more persons for at least 60 days out of the calendar year.
~~(5)~~ (7) "Sanitary restriction" means a prohibition against the erection of any dwelling, shelter, or building requiring facilities for the supply of water or the disposition of sewage or solid waste or the construction of water supply or sewage or solid waste disposal facilities until the department has approved plans for those facilities.
(8) "Sewer service line" means a sewer line that connects a single building or living unit to a public sewer system or extension of such a system.
~~(6)~~ (9) "Solid wastes" means all putrescible and nonputrescibl solid wastes (except body wastes), including garbage, rubbish, street cleanings, dead animals, yard clippings, and solid market and solid industrial wastes.
~~(7)~~ (10) "Subdivision" means a division of land or land so divided which creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision and any condominium or area, regardless of size, which provides permanent multiple space for recreational camping vehicles or mobile homes.
(11) "Water service line" means a water line that connects a single building or living unit to a public water system or extension of such a system.""
Renumber subsequent sections.

3) Page 2, line 20.
Following: "receiving"
Strike: "an application"
Insert: "preliminary plat approval"

4) Page 3, ~~line 3.~~
Following: line 2.
Insert: "Section 4. Section 76-4-111 is amended to read:
"76-4-111. Exemption for certain condominiums. (1) Condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act and this part are exempt from provisions of this part.
(2) Whenever a parcel of land has previously been reviewed under either department requirements or local health requirements and has received approval for a given number of living units for rental or lease, the construction of the same or a fewer number of condominium units on that parcel is not subject to the provisions of this part, provided that no new extension of a public water supply system or a public sewage disposal system is required as defined in this part."
Renumber subsequent sections.

5) Page 5, line 10.
Following: "receiving"
Strike: "an application"
Insert: "preliminary plat approval"

6) Page 6, line 9.
Following: line 8
Insert: "NEW SECTION. Section 9. Exclusion for certain subdivisions. Subdivisions located within master planning areas and class 1 or 2 municipalities that will be provided with municipal facilities for the supply of water and disposal of sewage and solid waste are not subject to the provisions of this part; except that, if the municipal facilities for water supply or sewage disposal to serve the subdivision constitute either an extension of a public water supply system or a public sewage disposal system, the subdivision must be reviewed in accordance with the provisions of 76-4-105, 76-4-124, and 76-4-127."

7) Page 6, line 14.
Following: line 13
Insert: "NEW SECTION. Section 11. Codification instruction. Section 9 is intended to be codified as an integral part of Title 76, Chapter 4, part 1, and the provisions of Title 76, chapter 4, part 1, apply to Section 9."

AND AS AMENDED,

DO PASS

DENNIS IVERSON, Chairman.

STATE PUB. CO.
Helena, Mont.

CHAIRMAN--FULLER, DAVE
SECRETARY-GHILARDI, CHERYL
NORMAL SCHEDULE==> SITE: ROOM 405

COMMITTEE--(S) LOCAL GOVERNMENT
DAYS: TU-TH-SAT TIME: 12:30-2:30 P.M.

* BILL NO	** DATE	*** CURRENT STATUS **********
HB 519	10/01	(H) CHAPTER NUMBER
	SPONSOR-SALES, WALTER R.	TITLE-PAYMENT OF PROPERTY TAXES REQUIRED BEFORE LAND MAY BE DIVIDED
HB 558	10/01	(H) CHAPTER NUMBER
	SPONSOR-REHBERG, DENNIS R.	TITLE-ANY FREEHOLDER ELIGIBLE TO VOTE ON ANNEXATION
HB 564	10/01	(H) CHAPTER NUMBER
	SPONSOR-MILLER, RON	TITLE-ALLOWING CITIES AND TOWNS TO PAY BILLS BY CHECK
HB 653	07/01	(H) CHAPTER NUMBER
	SPONSOR-HAMMOND, JOE	TITLE-INCREASING SALARIES OF COMMISSIONERS IN SMALLER COUNTIES
HB 654	10/01	(H) CHAPTER NUMBER
	SPONSOR-PAVLOVICH, ROBERT J. (BOB)	TITLE-ALLOCATE CERTAIN MOTOR VEHICLE OPERATION FINES TO SHERIFF
HB 673	10/01	(H) CHAPTER NUMBER
	SPONSOR-KADAS, MIKE	TITLE-ADVANCING TIME FOR TESTING LOCAL PETITION VALIDITY IN COURT
HB 683	10/01	(H) CHAPTER NUMBER
	SPONSOR-CONNELLY, MARY ELLEN	TITLE-COUNTY PARK BOARD - COUNTY ORDINANCE FOR RULE ENFORCEMENT AND PARK WARDEN
HB 687	10/01	(H) CHAPTER NUMBER
	SPONSOR-FRITZ, HARRY	TITLE-COUNTY AND MUNICIPAL FINANCE RECORDS RETENTION SCHEDULES
HB 727	04/24	(S) SCHEDULED FOR 2ND READING FREE CONFERENCE COMMITTEE REPORT
	SPONSOR-HANSEN, STELLA JEAN	TITLE-RULEMAKING AUTHORITY OF LOCAL HEALTH BOARDS RE: SEWER SYSTEMS
HB 736	03/29	(S) BILL KILLED
	SPONSOR-LORY, EARL C.	TITLE-SECURITY FOR REVOLVING FUNDS FOR IMPROVEMENT DISTRICTS
HB 746	10/01	(H) CHAPTER NUMBER
	SPONSOR-O'CONNELL, HELEN G.	TITLE-WATER METER SIZE RATIOS AS ASSESSMENT OPTION FOR FIRE HYDRANT DISTRICTS
HB 768	10/01	(H) CHAPTER NUMBER
	SPONSOR-BRADLEY, DOROTHY	TITLE-EXEMPT CERTAIN CONDOMINIUMS FROM SUBDIVISION REVIEW
HB 791	10/01	(H) CHAPTER NUMBER
	SPONSOR-BRANDEWIE, RAY	TITLE-REVISING DEFINITION OF SUBDIVISION
HB 813	04/19	(H) CHAPTER NUMBER
	SPONSOR-SCHYE, TED	TITLE-CITY COUNCIL TO SET DATE FOR CLERK'S MONTHLY FINANCIAL REPORT
HB 818	07/01	(H) CHAPTER NUMBER
	SPONSOR-PATTERSON, JOHN W.	TITLE-COUNTY CONTRIBUTION TO MUSEUM NOT OWNED BY COUNTY
HB 883	03/29	(S) BILL KILLED
	SPONSOR-KADAS, MIKE	TITLE-EXPANDING COUNTY AUTHORITY TO CONTRACT INDEBTEDNESS FOR CERTAIN PURPOSES
HB 885	04/20	(H) 3RD READ CC ADOPTED
	SPONSOR-SALES, WALTER R.	TITLE-GENERAL REVISION OF RURAL SPECIAL AND SPECIAL IMPROVEMENT DISTRICTS
HB 890	03/25	(S) BILL KILLED
	SPONSOR-MENAHAN, WILLIAM (RED)	TITLE-MUNICIPAL REGULATION OF CABLE TELEVISION SYSTEMS
HB 894	10/01	(H) CHAPTER NUMBER
	SPONSOR-SANDS, JACK	TITLE-WATER DISTRICT EXPANSION BASED ON EXCESS WATER FACILITIES
HB 900	04/20	(H) 3RD READ FCC ADOPTED
	SPONSOR-HART, MARJORIE	TITLE-5 YEAR GAP IN EMPLOYMENT AS PEACE OFFICER BEFORE RETAKING BASIC TRAINING
HB 954	04/23	(S) RETURNED TO HOUSE WITH AMEND
	SPONSOR-THOMAS, FRED	TITLE-CHANGE BOUNDARY BETWEEN MISSOULA AND RAVALLI COUNTIES IN THE LOLO AREA

HOUSE BILL NO. 768

INTRODUCED BY BRADLEY, MARKS, MILES, KITSELMAN

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING APARTMENTS AND OTHER PORTIONS OF BUILDINGS THAT ARE RENTED OR LEASED FROM REVIEW AS SUBDIVISIONS; EXEMPTING SUBDIVISIONS, INCLUDING CONDOMINIUMS, THAT WILL BE SERVED BY MUNICIPAL WATER AND SEWAGE FACILITIES IN CLASS 1 AND CLASS 2 MUNICIPALITIES FROM DEPARTMENT REVIEW; AMENDING SECTIONS 76-4-102, 76-4-103, 76-4-105, 76-4-111, 76-4-122 THROUGH 76-4-124, AND 76-4-127, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 76-4-102, MCA, IS AMENDED TO READ:

"76-4-102. Definitions. As used in this part, unless the context clearly indicates otherwise, the following words or phrases have the following meanings:

(1) "Board" means the board of health and environmental sciences.

(2) "Department" means department of health and environmental sciences.

(3) "Extension of public sewage disposal system" means a sewer line that connects two or more sewer service lines to a sewer main.

(4) "Extension of public water supply system" means a water line that connects two or more water service lines to a water main.

~~(3)~~(5) "Facilities" means public or private facilities for the supply of water or disposal of sewage or solid waste and any pipes, conduits, or other stationary method by which water, sewage, or solid wastes might be transported or distributed.

~~(4)~~(6) "Public water supply system" or "public sewage disposal system" means, respectively, a water supply or sewage disposal system that serves 10 or more families or 25 or more persons for at least 60 days out of the calendar year.

~~(5)~~(7) "Sanitary restriction" means a prohibition against the erection of any dwelling, shelter, or building requiring facilities for the supply of water or the disposition of sewage or solid waste or the construction of water supply or sewage or solid waste disposal facilities until the department has approved plans for those facilities.

(8) "Sewer service line" means a sewer line that connects a single building or living unit to a public sewer system or extension of such a system.

~~(6)~~(9) "Solid wastes" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, street cleanings, dead animals, yard

clippings, and solid market and solid industrial wastes.

~~(7)~~(10) "Subdivision" means a division of land or land so divided which creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision and any condominium or area, regardless of size, which provides permanent multiple space for recreational camping vehicles or mobile homes.

(11) "Water service line" means a water line that connects a single building or living unit to a public water system or extension of such a system."

Section 2. Section 76-4-103, MCA, is amended to read:

"76-4-103. What constitutes subdivision. A subdivision shall comprise only those parcels of less than 20 acres which have been created by a division of land, and the plat thereof shall show all such parcels, whether contiguous or not. The rental or lease of one or more parts of a building, structure, or other improvement, whether existing or newly constructed, is not a subdivision, as that term is defined in this part, and is not subject to the requirements of this part."

Section 3. Section 76-4-105, MCA, is amended to read:

"76-4-105. Lot fees. (1) The department shall adopt reasonable rules setting forth fees, not to exceed $48 per

parcel, for services rendered in the review of plats and subdivisions. The rules shall provide for a schedule of fees to be paid by the applicant for plat or subdivision review to the department for deposit in the state special revenue fund provided for in 17-2-102. The fees shall be used for review of plats and subdivisions based on the complexity of the subdivision, including but not limited to:

(a) number of lots in the subdivision;

(b) the type of water system to serve the development;

(c) the type of sewage disposal to serve the development; and

(d) the degree of environmental research necessary to supplement the review procedure.

(2) The department shall adopt rules to determine the distribution of lot fees between the local governing body and the department as provided in 76-4-128. When a subdivision is reviewed under the ~~master plan~~ provisions of 76-4-124, the local governing body shall, within 20 days after receiving ~~an application~~ PRELIMINARY PLAT APPROVAL under the Montana Subdivision and Platting Act, distribute the lot fees as determined by this subsection.

(3) A fee as described in this section is not required for the review of subdivisions in which divisions are made for the purpose of relocating common boundary lines unless the division will result in the installation of additional

water supply or sewage disposal facilities."

SECTION 4. SECTION 76-4-111, MCA, IS AMENDED TO READ:

"76-4-111. Exemption for certain condominiums. (1) Condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act and this part are exempt from provisions of this part.

(2) Whenever a parcel of land has previously been reviewed under either department requirements or local health requirements and has received approval for a given number of living units for rental or lease, the construction of the same or a fewer number of condominium units on that parcel is not subject to the provisions of this part, provided that no new extension of a public water supply system or a public sewage disposal system is required as defined in this part."

Section 5. Section 76-4-122, MCA, is amended to read:

"76-4-122. Filing or recording of noncomplying map or plat prohibited. (1) The county clerk and recorder shall not file or record any map or plat showing a subdivision unless it complies with the provisions of this part.

(2) A county clerk and recorder may not accept a subdivision plat for filing until one of the following conditions has been met:

(a) the person wishing to file the plat has obtained approval of the local health officer having jurisdiction and

has filed the approval with the department, and the department has indicated by stamp or certificate that it has approved the plat and plans and specifications and that the subdivision is subject to no sanitary restriction whenever department approval is necessary; or

(b) whenever department approval is not necessary, the person wishing to file the plat has obtained a certificate from the governing body that the subdivision is inside a master planning area or a class 1 or class 2 municipality and will be provided with municipal facilities for the supply of water and disposal of sewage and solid waste."

Section 6. Section 76-4-123, MCA, is amended to read:

"76-4-123. Department review and approval required outside master planning areas and class 1 and class 2 municipalities. Outside master planning areas adopted pursuant to chapter 1 and class 1 and class 2 municipalities as provided in 76-4-124, a person may not file a subdivision plat with a county clerk and recorder, make disposition of a lot within a subdivision, erect any facility for the supply of water or disposal of sewage or solid waste, erect a building or shelter in a subdivision which requires facilities for the supply of water or disposal of sewage or solid waste, or occupy a permanent building in a subdivision until the department has indicated that the subdivision is subject to no sanitary restriction."

Section 7. Section 76-4-124, MCA, is amended to read:

"76-4-124. Type of review and approval required within master planning areas and class 1 and class 2 municipalities. (1) Within master planning areas adopted pursuant to chapter 1 or within a class 1 or class 2 municipality as defined in 7-1-4111, a subdivision, including a development of condominiums, is not subject to sanitary restrictions when the local governing body certifies that municipal facilities for the supply of water and disposal of sewage and solid waste will be provided for the subdivision as provided in 76-4-127. In this case, department approval is not necessary.

(2) To the extent that municipal facilities for the supply of water or disposal of sewage or solid waste are not to be provided for a subdivision as certified to by the governing body, the person wishing to subdivide must obtain department approval as provided in 76-4-122(2)(a)."

Section 8. Section 76-4-127, MCA, is amended to read:

"76-4-127. Notice of certification to department that water and waste services will be provided by local government. (1) When a subdivision is reviewed under the ~~master-plan~~ provisions of 76-4-124, the local governing body shall, within 20 days after receiving ~~an--application~~ PRELIMINARY PLAT APPROVAL under the Montana Subdivision and Platting Act, send notice of certification to the department

that a subdivision has been submitted for approval and that municipal facilities for the supply of water and disposal of sewage and solid waste will be provided for the subdivision.

(2) The notice of certification shall include the following:

(a) the name and address of the applicant;

(b) a copy of the preliminary plat or a final plat where a preliminary plat is not necessary;

(c) the number of proposed parcels in the subdivision;

(d) a copy of any applicable zoning ordinances in effect;

(e) how construction of the sewage disposal and water supply systems or extensions will be financed;

(f) a copy of the master plan, when applicable, if one has not yet been submitted to the department;

(g) the relative location of the subdivision to the city or town; and

(h) certification that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available or will be provided within 1 year after the notice of certification is issued."

NEW SECTION. SECTION 9. EXCLUSION FOR CERTAIN SUBDIVISIONS. SUBDIVISIONS LOCATED WITHIN MASTER PLANNING AREAS AND FIRST- OR SECOND-CLASS MUNICIPALITIES THAT WILL BE PROVIDED WITH MUNICIPAL FACILITIES FOR THE SUPPLY OF WATER

AND DISPOSAL OF SEWAGE AND SOLID WASTE ARE NOT SUBJECT TO THE PROVISIONS OF THIS PART; EXCEPT THAT, IF THE MUNICIPAL FACILITIES FOR WATER SUPPLY OR SEWAGE DISPOSAL TO SERVE THE SUBDIVISION CONSTITUTE EITHER AN EXTENSION OF A PUBLIC WATER SUPPLY SYSTEM OR A PUBLIC SEWAGE DISPOSAL SYSTEM, THE SUBDIVISION MUST BE REVIEWED IN ACCORDANCE WITH THE PROVISIONS OF 76-4-105, 76-4-124, AND 76-4-127.

NEW SECTION. Section 10. Extension of authority. Any existing authority of the department of health and environmental sciences to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. SECTION 11. CODIFICATION INSTRUCTION. SECTION 9 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 76, CHAPTER 4, PART 1, AND THE PROVISIONS OF TITLE 76, CHAPTER 4, PART 1, APPLY TO SECTION 9.

-End-

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 21, 1985

The twenty-fifth meeting of the Local Government Committee was called to order at 12:30 p.m. on March 21, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building .

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 768: Representative Dorothy Bradley, District #79, is the sponsor of this bill. The bill was introduced to exempt apartments and other portions of buildings that are rented or leased from review as subdivisions; to exempt subdivisions, including condominiums, served by municipal water and sewage facilities in Class 1 and Class 2 municipalities from department review.

PROPONENTS

Terry Carmody, representing the Montana Association of Realtors, stated his support of the bill.

Riley Johnson, representing the Montana Association of Builders, stated his support of the bill.

Jim Richard, representing the Montana Association of Planners, stated his support of the bill.

Bill Spilker, a Helena resident, spoke in favor of the bill. He said once the Department of Health has approved a piece of land for a certain number of dwellings, the sanitary restrictions can then be removed.

Steve Pilcher, representing the Water Quality Bureau of the Department of Health and Environmental Sciences, stated his support of the bill.

OPPONENTS

There were no opponents to HB 768.

Chairman Fuller opened the hearing for Committee questions. There were no Committee questions regarding HB 768.

The hearing was closed on HB 768.

ACTION TAKEN ON HOUSE BILL 768: Senator Story moved that HB 768 BE CONCURRED IN. The motion passed unanimously. Senator Story will carry the bill.

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th
~~XXXXX~~ LEGISLATIVE SESSION -- 1985

Date 3-21-85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
13	Senator Crippen, Bruce	✓		
18	Senator Eck, Dorothy	✓		
11	Senator Harding, Ethel	✓		
47	Senator Hirsch, Les	✓		
4	Senator McCallum, George	✓ late		
28	Senator Mohar, John (V.Chair)	✓		
44	Senator Pinsoneault, Dick	✓ late		
19	Senator Regan, Pat	✓		
21	Senator Story, Pete	✓		
43	Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

22

DATE 3-21-85

COMMITTEE ON LOCAL GOV'T

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Robert S. Custer	Mont. Assoc. Reg. Land Surv.	791		✓
Les Hilliard	Laurel Cable TV.	980		✓
Tom GLENDENNING	BOLEMAN CABLE TV	890		✓
Ken Watts	Butte Cable TV	890		✓
Les HARRIS	Billings Cable TV	890		✓
DON Henke	Philipsburg Cable TV	890		✓
Wes Huffman	Helena Cable TV	890		✓
Russ Ritter	Mayor of Helena	890		✓
Robert M. McCracken	Mt. Dept. of Commerce	791	X	
Doug Zuck	Billings MT	890		✓
Rose Leavitt	LWV of Mt - Helena	791	✓	
DON REED	MEIC	791	✓	
STEVE Pilcher	DHES	768	✓	
Terry Connody		768 516 771	✓	
Don DeShaw	Cable TV of Havre	890		✓
Ken Young	Cable TV Kalispell	890		✓
Mike Stephen	MT clerk & Records	519		

(Please leave prepared statement with Secretary)

STANDING COMMITTEE REPORT

MARCH 21 85

19

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE BILL No. 768

THIRD reading copy (BLUE color)

(STORY WILL CARRY)

EXEMPT CERTAIN CONDOMINIUMS FROM SUBDIVISION REVIEW

Respectfully report as follows: That HOUSE BILL No. 768

BE CONCURRED IN

XXXXXX DO PASS

XXXXXXXXX DO NOT PASS

Senator Dave Fuller
Chairman.

24

COMMITTEE OF THE WHOLE AMENDMENT

ENATE

MAR 23, 1985
DATE

11:45
TIME

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL No. 768

third reading copy (blue) as follows:
Color

Page 3, lines 19 and 20.
Following: "existing or"
Strike: "newly constructed"
Insert: "proposed"

PC3HB768.631

ADOPT
REJECT

MAZUREK

HOUSE BILL NO. 768

INTRODUCED BY BRADLEY, MARKS, MILES, KITSELMAN

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING APARTMENTS AND OTHER PORTIONS OF BUILDINGS THAT ARE RENTED OR LEASED FROM REVIEW AS SUBDIVISIONS; EXEMPTING SUBDIVISIONS, INCLUDING CONDOMINIUMS, THAT WILL BE SERVED BY MUNICIPAL WATER AND SEWAGE FACILITIES IN CLASS 1 AND CLASS 2 MUNICIPALITIES FROM DEPARTMENT REVIEW; AMENDING SECTIONS 76-4-102, 76-4-103, 76-4-105, 76-4-111, 76-4-122 THROUGH 76-4-124, AND 76-4-127, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 76-4-102, MCA, IS AMENDED TO READ:

"76-4-102. Definitions. As used in this part, unless the context clearly indicates otherwise, the following words or phrases have the following meanings:

(1) "Board" means the board of health and environmental sciences.

(2) "Department" means department of health and environmental sciences.

(3) "Extension of public sewage disposal system" means a sewer line that connects two or more sewer service lines to a sewer main.

(4) "Extension of public water supply system" means a water line that connects two or more water service lines to a water main.

~~(3)~~(5) "Facilities" means public or private facilities for the supply of water or disposal of sewage or solid waste and any pipes, conduits, or other stationary method by which water, sewage, or solid wastes might be transported or distributed.

~~(4)~~(6) "Public water supply system" or "public sewage disposal system" means, respectively, a water supply or sewage disposal system that serves 10 or more families or 25 or more persons for at least 60 days out of the calendar year.

~~(5)~~(7) "Sanitary restriction" means a prohibition against the erection of any dwelling, shelter, or building requiring facilities for the supply of water or the disposition of sewage or solid waste or the construction of water supply or sewage or solid waste disposal facilities until the department has approved plans for those facilities.

(8) "Sewer service line" means a sewer line that connects a single building or living unit to a public sewer system or extension of such a system.

~~(6)~~(9) "Solid wastes" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, street cleanings, dead animals, yard

clippings, and solid market and solid industrial wastes.

~~(7)~~(10) "Subdivision" means a division of land or land so divided which creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision and any condominium or area, regardless of size, which provides permanent multiple space for recreational camping vehicles or mobile homes.

(11) "Water service line" means a water line that connects a single building or living unit to a public water system or extension of such a system."

Section 2. Section 76-4-103, MCA, is amended to read:

"76-4-103. What constitutes subdivision. A subdivision shall comprise only those parcels of less than 20 acres which have been created by a division of land, and the plat thereof shall show all such parcels, whether contiguous or not. The rental or lease of one or more parts of a building, structure, or other improvement, whether existing or ~~newly constructed~~ PROPOSED, is not a subdivision, as that term is defined in this part, and is not subject to the requirements of this part."

Section 3. Section 76-4-105, MCA, is amended to read:

"76-4-105. Lot fees. (1) The department shall adopt reasonable rules setting forth fees, not to exceed $48 per

parcel, for services rendered in the review of plats and subdivisions. The rules shall provide for a schedule of fees to be paid by the applicant for plat or subdivision review to the department for deposit in the state special revenue fund provided for in 17-2-102. The fees shall be used for review of plats and subdivisions based on the complexity of the subdivision, including but not limited to:

(a) number of lots in the subdivision;

(b) the type of water system to serve the development;

(c) the type of sewage disposal to serve the development; and

(d) the degree of environmental research necessary to supplement the review procedure.

(2) The department shall adopt rules to determine the distribution of lot fees between the local governing body and the department as provided in 76-4-128. When a subdivision is reviewed under the ~~master plan~~ provisions of 76-4-124, the local governing body shall, within 20 days after receiving ~~an application~~ PRELIMINARY PLAT APPROVAL under the Montana Subdivision and Platting Act, distribute the lot fees as determined by this subsection.

(3) A fee as described in this section is not required for the review of subdivisions in which divisions are made for the purpose of relocating common boundary lines unless the division will result in the installation of additional

water supply or sewage disposal facilities."

SECTION 4. SECTION 76-4-111, MCA, IS AMENDED TO READ:

"76-4-111. Exemption for certain condominiums. (1) Condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act and this part are exempt from provisions of this part.

(2) Whenever a parcel of land has previously been reviewed under either department requirements or local health requirements and has received approval for a given number of living units for rental or lease, the construction of the same or a fewer number of condominium units on that parcel is not subject to the provisions of this part, provided that no new extension of a public water supply system or a public sewage disposal system is required as defined in this part."

Section 5. Section 76-4-122, MCA, is amended to read:

"76-4-122. Filing or recording of noncomplying map or plat prohibited. (1) The county clerk and recorder shall not file or record any map or plat showing a subdivision unless it complies with the provisions of this part.

(2) A county clerk and recorder may not accept a subdivision plat for filing until one of the following conditions has been met:

(a) the person wishing to file the plat has obtained approval of the local health officer having jurisdiction and

has filed the approval with the department, and the department has indicated by stamp or certificate that it has approved the plat and plans and specifications and that the subdivision is subject to no sanitary restriction whenever department approval is necessary; or

(b) whenever department approval is not necessary, the person wishing to file the plat has obtained a certificate from the governing body that the subdivision is inside a master planning area or a class 1 or class 2 municipality and will be provided with municipal facilities for the supply of water and disposal of sewage and solid waste."

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"76-4-124. Type of review and approval required within master planning areas and class 1 and class 2 municipalities. (1) Within master planning areas adopted pursuant to chapter 1 or within a class 1 or class 2 municipality as defined in 7-1-4111, a subdivision, including a development of condominiums, is not subject to sanitary restrictions when the local governing body certifies that municipal facilities for the supply of water and disposal of sewage and solid waste will be provided for the subdivision as provided in 76-4-127. In this case, department approval is not necessary.

(2) To the extent that municipal facilities for the supply of water or disposal of sewage or solid waste are not to be provided for a subdivision as certified to by the governing body, the person wishing to subdivide must obtain department approval as provided in 76-4-122(2)(a)."

Section 8. Section 76-4-127, MCA, is amended to read:

"76-4-127. Notice of certification to department that water and waste services will be provided by local government. (1) When a subdivision is reviewed under the ~~master plan~~ provisions of 76-4-124, the local governing body shall, within 20 days after receiving ~~an application~~ PRELIMINARY PLAT APPROVAL under the Montana Subdivision and Platting Act, send notice of certification to the department

that a subdivision has been submitted for approval and that municipal facilities for the supply of water and disposal of sewage and solid waste will be provided for the subdivision.

(2) The notice of certification shall include the following:

(a) the name and address of the applicant;

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(c) the number of proposed parcels in the subdivision;

(d) a copy of any applicable zoning ordinances in effect;

(e) how construction of the sewage disposal and water supply systems or extensions will be financed;

(f) a copy of the master plan, when applicable, if one has not yet been submitted to the department;

(g) the relative location of the subdivision to the city or town; and

(h) certification that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available or will be provided within 1 year after the notice of certification is issued."

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AND DISPOSAL OF SEWAGE AND SOLID WASTE ARE NOT SUBJECT TO THE PROVISIONS OF THIS PART; EXCEPT THAT, IF THE MUNICIPAL FACILITIES FOR WATER SUPPLY OR SEWAGE DISPOSAL TO SERVE THE SUBDIVISION CONSTITUTE EITHER AN EXTENSION OF A PUBLIC WATER SUPPLY SYSTEM OR A PUBLIC SEWAGE DISPOSAL SYSTEM, THE SUBDIVISION MUST BE REVIEWED IN ACCORDANCE WITH THE PROVISIONS OF 76-4-105, 76-4-124, AND 76-4-127.

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NEW SECTION. SECTION 11. CODIFICATION INSTRUCTION. SECTION 9 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 76, CHAPTER 4, PART 1, AND THE PROVISIONS OF TITLE 76, CHAPTER 4, PART 1, APPLY TO SECTION 9.

-End-